

**REMARKS*****Generally***

Claims 1-64 are pending in the application. Claims 21-27 stand rejected under the judicially created doctrine of obviousness type double patenting. Claims 1 – 64 stand rejected under 35 USC §102(e) as being anticipated by Iyenger et al., U.S. Patent No. 6,018,627 (“IYENGAR”). While the undersigned maintains that each of Claims 1 – 64 are patentable and reiterates the arguments asserted earlier in the prosecution regarding the failure of each OA to establish a *prima facie* case of unpatentability, Claims 1 – 39 and 44 – 64 have been canceled to expedite prosecution. Claim 40 has been amended to explicitly recite the limitations of its parent claim.

Arguments are presented herein that the rejection of Claims 40 – 43 does not establish a *prima facie* case of unpatentability because the reference does not disclose the *data server* of the claimed invention.

This Reply uses the following convention when quoting other documents:

- *Italics when quoting from the application;*
- Courier when quoting from the Office Action (OA); and
- Underlined Courier when quoting from a reference.

***Claim Rejections regarding Claims 40 – 43 Under 35 USC §102***

Claims 40 – 43 stand rejected under 35 USC §102(e) as being anticipated by IYENGAR.

With regard to these claims, the OA asserts:

As per claims 36-43 and 46, this is a system version of the claimed method discussed above, in claims 21-27, wherein all claimed limitations have also been addressed and/or cited as set forth above.

Claims 40 – 43 are not merely a system version of earlier claims. Claim 40 introduces an element, i.e., a *data server* not disclosed in IYENGAR and not accounted for in the rejection.

*Claim 40 ... The system of Claim 36 further comprising: a data server providing query services, wherein the data server receives the source code object and the logical model, and further receives an object oriented query,*

IYENGAR discloses a development environment. Claims 40 – 43 of the present application include run time elements not disclosed in IYENGAR. For at least this reason, a *prima facie* case of unpatentability has not been established with respect to Claims 40 – 43.


**CONCLUSION**

The foregoing is submitted as a full and complete response to the OA mailed 09/08/2005 . With consideration of the above amendments and remarks directed to the rejections, the undersigned submits that this application is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that the prosecution might be advanced by discussing the application with the undersigned, in person or over the telephone, we would welcome the opportunity to do so.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-1458, and please credit any excess fees to such deposit account.

Respectfully submitted,

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